

team to carry out the investigation of an incident reported under paragraph (1). The investigation shall cover the following matters:

“(A) An assessment of what occurred, who perpetrated or is suspected of having perpetrated the attack, and whether applicable security procedures were followed.

“(B) In the event the security incident was an attack on a United States diplomatic compound, motorcade, residence, or other facility, a determination whether adequate security countermeasures were in effect based on known threat at the time of the incident.

“(C) If the incident was an attack on an individual or group of officers, employees, or family members under chief of mission authority conducting approved operations or movements outside the United States mission, a determination whether proper security briefings and procedures were in place and whether adequate consideration of threat and weighing of risk of the operation or movement took place.

“(D) An assessment of whether the failure of any officials or employees to follow procedures or perform their duties contributed to the security incident.

“(b) **REPORT OF INVESTIGATION.**—The investigative team shall prepare a Report of Investigation at the conclusion of the Serious Security Incident Investigation and submit the report to the SRC. The report shall include the following elements:

“(1) A detailed description of the matters set forth in subparagraphs (A) through (D) of subsection (a)(2), including all related findings.

“(2) An accurate account of the casualties, injured, and damage resulting from the incident.

“(3) A review of security procedures and directives in place at the time of the incident.

“(c) **CONFIDENTIALITY.**—The investigative team shall adopt such procedures with respect to confidentiality as determined necessary, including procedures relating to the conduct of closed proceedings or the submission and use of evidence in camera, to ensure in particular the protection of classified information relating to national defense, foreign policy, or intelligence matters. The Director of National Intelligence shall establish the level of protection required for intelligence information and for information relating to intelligence personnel included in the report under subsection (b). The SRC shall determine the level of classification of the final report prepared under section 304(b), but shall incorporate the same confidentiality measures in such report to the maximum extent practicable.”

SEC. 1296. FINDINGS AND RECOMMENDATIONS BY THE [SECURITY REVIEW COMMITTEE].

Section 304 of the Diplomatic Security Act of 1986 (22 U.S.C. 4834) is amended to read as follows:

“SEC. 304. [SECURITY REVIEW COMMITTEE] FINDINGS AND REPORT.

“(a) **FINDINGS.**—The Security Review Committee shall review the Report of Investigation prepared under section 303(b), all other evidence, reporting, and relevant information relating to a serious security incident at a United States mission abroad, including an examination of the facts and circumstances surrounding any serious injuries, loss of life, or significant destruction of property resulting from the incident and shall make the following written findings:

“(1) Whether the incident abroad was security related and constituted a serious security incident.

“(2) If the incident involved a diplomatic compound, motorcade, residence, or other mission facility, whether the security systems, security countermeasures, and secu-

rity procedures operated as intended, and whether such systems worked to materially mitigate the attack or were found to be inadequate to mitigate the threat and attack.

“(3) If the incident involved an individual or group of officers conducting an approved operation outside the mission, a determination whether a valid process was followed in evaluating the requested operation and weighing the risk of the operation. Such determination shall not seek to assign accountability for the incident unless the SRC determines that an official breached their duty.

“(4) An assessment of the impact of intelligence and information availability, and whether the mission was aware of the general operating threat environment or any more specific threat intelligence or information and took that into account in ongoing and specific operations.

“(5) Such other facts and circumstances that may be relevant to the appropriate security management of United States missions abroad.

“(b) **SRC REPORT.**—Not later than 30 days after receiving the Report of Investigation prepared under section 303(b), the SRC shall submit a report to the Secretary of State including the findings under subsection (a) and any related recommendations. Not later than 90 days after receiving the report, the Secretary of State shall submit the report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

“(c) **PERSONNEL RECOMMENDATIONS.**—If in the course of conducting an investigation under section 303, the investigative team finds reasonable cause to believe any individual described in section 303(a)(2)(D) has breached the duty of that individual or finds lesser failures on the part of an individual in the performance of his or her duties related to the incident, it shall be reported to the SRC. If the SRC find reasonable cause to support the determination, it shall be reported to the Director General of the Foreign Service for appropriate action.”

SEC. 1297. RELATION TO OTHER PROCEEDINGS.

Section 305 of the Diplomatic Security Act of 1986 (22 U.S.C. 4835) is amended—

(1) by inserting “(a) **NO EFFECT ON EXISTING REMEDIES OR DEFENSES.**—” before “Nothing in this title”; and

(2) by adding at the end the following new subsection:

“(b) **FUTURE INQUIRIES.**—Nothing in this title shall be construed to preclude the Secretary of State from convening a follow-up public board of inquiry to investigate any security incident if the incident was of such magnitude or significance that an internal process is deemed insufficient to understand and investigate the incident. All materials gathered during the procedures provided under this title shall be provided to any related board of inquiry convened by the Secretary.”

SA 4457. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 638, strike lines 18 and 19 and insert the following:
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the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives a report on the obstructions

SA 4458. Mr. TILLIS submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . LIMITATION ON ADJUSTMENT OF PATENT TERMS.

(a) **AMENDMENT.**—Section 154(b)(2) of title 35, United States Code, is amended—

(1) in subparagraph (B), by striking “No patent” and inserting “Except as provided in subparagraph (D), no patent”; and

(2) by adding at the end the following:

“(D) **EXCEPTION.**—Subparagraph (B) shall not apply to a patent for which is a terminal disclaimer has been filed over a later-issued patent if—

“(i) the earliest-filed application to which there is a specific reference under section 120, 121, 365(c), or 386(c) in the terminally disclaimed patent and the later-issued patent is the same; or

“(ii) the earliest-filed application to which there is a specific reference under section 120, 121, 365(c), or 386(c) in the later-issued patent is the application that was issued as the terminally disclaimed patent;

“(iii) the patents are commonly owned; and

“(iii) the later-issued patent is in force on the date of enactment of this subparagraph.”

(b) **APPLICABILITY.**—The amendments made by subsection (a) shall apply only to a patent for which a terminal disclaimer is filed after the date of enactment of this Act.

SA 4459. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . TREATMENT OF EXEMPTIONS AND RECORDKEEPING UNDER FARA.

(a) **LIMITATION ON EXEMPTIONS.**—Section 3 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 613), is amended, in the matter preceding subsection (a), by inserting “, except that the exemptions under subsections (d)(1) and (h) shall not apply to any agent of a foreign principal that is included on the list maintained by the Assistant Secretary of Commerce for Communications and Information under section 5(b)” before the colon.

(b) **BOOKS AND RECORDS.**—

(1) **LIST OF AGENTS OF FOREIGN ADVERSARIES.**—Section 5 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 615), is amended—